

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:23-cv-000269-MR**

<b>ALEX NELSON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>UNITED STATES BUREAU OF</b>	)	<b><u>ORDER</u></b>
<b>PRISONS,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the Court sua sponte.

The Petitioner, a former federal prisoner who presently resides in Fletcher, North Carolina, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in the instant case on September 12, 2023. [Doc. 1]. On September 19, 2023, the Court dismissed the Petition without prejudice on initial review. [Doc. 3]. The Court granted the Petitioner 30 days in which to file a superseding Amended § 2241 Petition. [Id.]. The Petitioner was cautioned that, “[s]hould the Petitioner fail to timely file an Amended Petition in accordance with this Order, this action will be dismissed without prejudice and without further notice....” [Id. at 5-6].

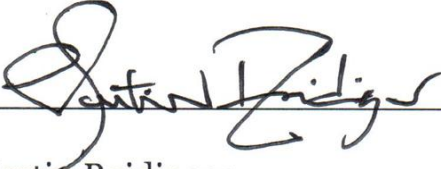
The Petitioner has not filed a superseding Amended Petition, and the time to do so has expired. The Petitioner appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to terminate this action.

**IT IS SO ORDERED**

Signed: December 6, 2023

  
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Martin Reidinger  
Chief United States District Judge

